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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN JOSE DIVISION**

BLAIR REDMOND,

Plaintiff,

vs.

THE CITY OF SAN JOSE,  
SAN JOSE POLICE DEPARTMENT,  
et al.,

Defendants.

CASE NO.: 2:14-CV-02345-BLF

**FOURTH AMENDED  
COMPLAINT FOR VIOLATION  
OF CIVIL RIGHTS, FALSE  
ARREST, ASSAULT, BATTERY  
INTENTIONAL INFLECTION  
EMOTIONAL DISTRESS,  
NEGLIGENT INFLECTION OF  
EMOTIONAL DISTRESS,  
PURSUANT TO**

42 U.S.C. § 1983, C.C. 52.1 BANCES  
CIVIL RIGHTS ACT

**DEMAND FOR JURY TRIAL**

**Jurisdiction**

1  
2 1. This court has jurisdiction under 28 U.S.C. § 1331. Federal question jurisdiction  
3 arises pursuant 42 U.S.C. § 1983 and C.C. 52.1 Banes Civil Rights Act.

**Venue**

4  
5 2. Venue is proper pursuant to 28 U.S.C. § 1391 because the defendants are state  
6 government officials, and the plaintiff lives in this district.

**Parties**

7  
8 3. Plaintiff Blair Redmond, resides in San Jose, California, her mailing address is  
9 P.O. Box 21638, San Jose, CA, 95151.

10 4. Defendant, City of San Jose (hereinafter “City”) is a municipality, organized and  
11 operating under the laws of the State of California and is located at Office of the City Clerk 200  
12 E. Santa Clara St, San Jose, CA 95113. The City promulgated, encouraged, administered, and/or  
13 permitted, the policies, practices and procedures under which the individual defendant employees  
14 committed the acts or omissions complained of herein. Either intentionally or negligently,  
15 whether as a result of affirmative policies, practices, or procedures, or as a result of ineffective,  
16 non-existent, or inadequate training and education employees, The City caused or was otherwise  
17 responsible for the acts or omissions of said employees as complained of herein. Plaintiff hereby  
18 alleges that the policies, practices, and/or procedures of City, as determined and effected by the  
19 individual defendants and other police officers of SJPd, constitute and/or engender  
20 circumstances and/or environment of deliberate indifference to the rights and safety of citizens of  
21 the community.

22 5. Defendant, San Jose Police Department (“SJPd”) is a City governmental agency  
23 organized and existing pursuant to the law and policies of Defendant City.

24 6. Defendant Tony Diep (hereinafter “DIEP”) is an individual, who at all times  
25 relevant herein, was a police officer employed by City.

26 7. Defendant Daniel Pfiefer (hereinafter “PFIEFER”) is an individual, who at all  
27 times relevant herein, was a police officer employed by City.

28 8. Defendant Matthew Blackerby (hereinafter “BLACKERBY”) is an individual,

1 who at all times relevant herein, was a police officer employed by City.

2 9. Defendant Donald Perrier (hereinafter "PERRIER") is an individual, who at all  
3 times relevant herein, was a police sergeant employed by City. Sergeant Perrier was a supervisor  
4 or acted in a supervisory role over Officers Pfiefer, Diep, Blackerby, Hoskins, Mishaga and  
5 Wong at the time of the incident.

6 10. Defendant Richard Galea (hereinafter "GALEA") is an individual, who at all  
7 times relevant herein, was a police sergeant employed by City. Sergeant Galea was a supervisor  
8 or acted in a supervisory role over Officers Pfiefer, Diep, Blackerby, Hoskins, Mishaga and  
9 Wong at the time of the incident.

10 11. Defendant Wendy Hoskin (hereinafter "HOSKIN") is an individual, who at all  
11 times relevant herein, was a police officer employed by City.

12 12. Defendant Alan Mishaga (hereinafter "MISHAGA") is an individual who at all  
13 times relevant herein, was a police officer employed by City. Defendant Mishaga is believed to  
14 be one of the officers who pinned Ms. Redmond down with Defendant Pfiefer after she attempted  
15 to take video of the officers.

16 13. Defendant Andrew Wong (hereinafter "WONG") is an individual, who at all times  
17 relevant herein, was a police officer employed by City. Defendant Wong is believed to be one of  
18 the officers who pinned Ms. Redmond down with Defendant Pfiefer after she attempted to take  
19 video of the officers.

20 14. Plaintiff is informed and believes and, based upon such information and belief,  
21 alleges that at all times herein mentioned each and every defendant was the agent and/or  
22 employee of their co-defendants, and was acting either in their individual capacity or in the  
23 scope, purpose and authority of City and/or SJPd and/or in their employment or agency with  
24 named entities, and with the knowledge, permission, ratification, and/or consent of said  
25 codefendants and/or entities.

26 15. Plaintiff is informed and believes, and thereon alleges, that each of the named  
27 individual defendants herein, did knowingly and willingly, with a common intent and scheme set  
28 forth in further detail herein, conspire to injure plaintiff, and deprive plaintiff of her rights,

1 liberties, and interests as such rights are afforded her under the United States Constitution, and  
2 the California State Constitution, and conspired generally to damage said plaintiff and inflict  
3 great injury upon her, with the intent of causing, and so causing , a violation of her rights under  
4 the U.S. Constitution and/or California State Constitution, and the infliction of severe emotional  
5 distress and physical injury.

6 16. Plaintiff has timely complied with the requirements of the Government Tort Claim  
7 Act (G.C. 900, et seq.) and her claim has been rejected with regard to the incident and  
8 circumstances complained of herein.

9 **Factual Allegations**

10 17. Plaintiff Blair Redmond was born and raised in San Jose, California and her  
11 family has resided in the City for over sixty (60) years.

12 18. Blair Redmond has no criminal background, nor does she exhibit criminal or  
13 suspicious behavior. She has never been affiliated with a gang and does not participate in  
14 criminal activities.

15 19. On approximately April 17, 2013 at 4:34 pm, Ms. Redmond was legally parked  
16 with her car turned off in a space in the parking lot for a skateboard park at Roosevelt Park,  
17 located at 901 E Santa Clara St, San Jose, CA 95116.

18 20. Ms. Redmond was seated in the driver's side of the car and her boyfriend was  
19 seated in the passenger seat. The couple frequently visited the park to use the designated  
20 skateboarding area of the park. Ms. Redmond typically stayed in the car to study while her  
21 boyfriend, Joseph, skateboarded.

22 21. On the day of the incident, Ms. Redmond was on her phone and her boyfriend was  
23 fixing his skateboard with tools on his lap.

24 22. There were other vehicles parked in the lot the same way with occupants sitting in  
25 their cars enjoying the park. Ms. Redmond and her boyfriend were the only African-American  
26 people parked in the immediate area. Ms. Redmond saw three plain clothed officers walk around  
27 the park. They stood for a few moments by a maintenance wall in view of her car and then  
28 walked across the parking lot to the passenger side of the car where her boyfriend sat.

23. Defendant Police Officers Diep, Pfiefer and Blackerby did not state any reason for their presence at the car and were intimidating Ms. Redmond and her boyfriend.

24. Officers initially focused on Ms. Redmond's boyfriend who was still sitting in the passenger seat with his skateboard and skateboard tools on his lap.

25. Defendant Officer Tony Diep stood by passenger window which was almost completely rolled down. The driver's side window was only cracked since Ms. Redmond just came back to the car after using the Roosevelt Community Center restrooms.

26. Defendant Diep immediately exhibited signs of aggression towards Ms. Redmond and her boyfriend. Defendant Diep was hostile and fired off questions without allowing Ms. Redmond or her boyfriend to answer them.

27. Ms. Redmond and her boyfriend asked why the officers were approaching the car and they refused to answer.

28. Defendant Officer Daniel Pfiefer walked around the front of the car and ordered Ms. Redmond to get out of the car. Having committed no crime and stating so, she asked why she had to exit her vehicle.

29. Ms. Redmond and her boyfriend calmly told the officers that they did not want to answer any of their "leading" questions without the presence of an attorney. They requested to speak to a Sergeant and stated they would wait for his or her arrival.

30. Ms. Redmond and her boyfriend stated that they were going to record the encounter while they waited for the Sergeant. Ms. Redmond then started to take a video with her cell phone while still seated in the driver's seat.

31. Defendant Diep was angered and shouted, "Get your asses out of the car!" while attempting to forcibly open the passenger side door.

32. Ms. Redmond became frightened so she locked her car doors and started to roll up the windows in order to stay safe.

33. Before she could completely roll up the passenger side window, Defendant Diep reached through the open window and yelled "Knife" while he unlocked the passenger side door.

34. Defendant Diep then began to grab at Ms. Redmond's boyfriend who was sitting

1 still with his skateboard and tools still on his lap.

2 35. At the same time Defendant Diep was grabbing at her boyfriend, Defendant  
3 Pfiefer took his flashlight and rained 8 to 10 hammer blows on the driver's side window where  
4 Ms. Redmond sat but he was unable to break it open.

5 36. Defendant Diep pointed a gun at her boyfriend who had his empty hands raised so  
6 he would not be shot. Meanwhile, Defendant Pfiefer left the driver's side of the car.

7 37. With the passenger door now open, Defendant Blackerby violently pulled Ms.  
8 Redmond's boyfriend out of the car and dragged him towards the rear passenger bumper.

9 38. Ms. Redmond watched Defendants Diep, Pfiefer and Blackerby through the rear  
10 window as they physically attacked her boyfriend. Both Defendants Diep and Blackerby were on  
11 top of him.

12 39. Ms. Redmond got out the car with her cell phone clearly visible to record  
13 Defendants Diep and Blackerby beating her boyfriend.

14 40. As soon as she started to step towards the back of the car with the cell phone  
15 raised in front of her, Defendant Pfiefer frantically came around the back of the car towards her.

16 41. Having already attempted to break her car window and pulling a gun on her  
17 boyfriend, Ms. Redmond started to back away from Defendant Pfiefer with her phone once again  
18 clearly visible and pointed at him.

19 42. Defendant Pfiefer then said Ms. Redmond was under arrest. Ms. Redmond asked  
20 why and told Defendant Pfiefer that she was going to record the incident.

21 43. Defendant Pfiefer then charged at Ms. Redmond and grabbed her right hand in an  
22 attempt to rip her phone from her hands.

23 44. Defendant Pfiefer lost his grip on the phone which was still in Ms. Redmond's  
24 hand. Infuriated, he stomped on her left foot and pinned her in place while he cocked his arm  
25 back.

26 45. Defendant Pfiefer then punched Ms. Redmond in the face, under her right eye.  
27 Shocked, dazed and in pain, she stumbled and fell backwards.

28 46. Catching herself with her left arm, Ms. Redmond settled into a crouched position

1 and tried to cover her head and face with both hands to shield herself from further blows.

2 47. Defendant Pfiefer pulled Ms. Redmond by her hair while repeatedly hitting her in  
3 the head. He then yanked her up by her right hand and aggressively wrenched it behind her back  
4 with such force there was a loud pop and sharp pain in her right shoulder. Ms. Redmond later  
5 learned that the sound was her shoulder dislocating from the socket.

6 48. Defendant Pfiefer then pushed Ms. Redmond face down onto the concrete lot  
7 although she was already hurt and not resisting arrest. Using full bodyweight, he pinned her left  
8 shoulder down with his knee while another officer (Believed to be either Defendant Mishaga or  
9 Defendant Wong) did the same painful maneuver with his knee on her right elbow.

10 49. When Sergeant Perrier finally arrived on the scene, he was advised that Ms.  
11 Redmond wanted to speak to him. Defendant Perrier did not ask Ms. Redmond any questions  
12 and did not speak to her about the incident. Instead, he told her that she assaulted his police  
13 officers. Ms. Redmond refused to speak with Defendant Perrier after his presumptuous greeting.

14 50. Upon the arrival of the Fire Department, Ms. Redmond was checked out while  
15 handcuffed in plain view of at least thirty people who witnessed the brutality.

16 51. Defendant Officer Wendy Hoskin searched Ms. Redmond's person in front of the  
17 growing crowd at the park and she was humiliated as Defendant Hoskin lifted her shirt and  
18 exposed her midriff.

19 52. Ms. Redmond was then asked if she wished to go to the hospital. When she  
20 answered yes, she was told by Defendant Hoskin that if she went to the hospital that she would  
21 sit there for 6 to 8 hours. After which time she would then be sent to booking and sit there for  
22 another 6 to 8 hours. After hearing this and still being in a state of shock, Ms. Redmond believed  
23 the truth would set her free and she decided to tell her story to Defendant Sergeant Richard Galea  
24 when she arrived in booking.

25 53. Defendant Galea is the direct supervisor of Defendants Diep, Pfiefer and  
26 Blackerby.

27 54. When Ms. Redmond arrived for booking, she was interviewed by Defendant  
28 Galea. She explained the sequence of events to Defendant Galea who was uninterested in

1 hearing about his officers' brutality. Instead, he attempted several times to blame Ms. Redmond  
2 for the incident.

3 55. Defendant Galea asked leading questions and made false statements to Ms.  
4 Redmond about the details of the incident while he recorded the interview. Defendant Galea  
5 ended the interview by telling Ms. Redmond that she was facing felony assault charges against a  
6 Peace Officer and was headed to jail.

7 56. The actions of Officers Hoskins, Proft, Mishaga, Wong, Talus, Melo, Gutierrez  
8 and Magnuson demonstrate a widespread and understood common practice that targets citizens  
9 based on race and a standard operating procedure to intimidate, to use unreasonable excessive  
10 force, and physically assault citizens like Ms. Redmond who attempt to document police  
11 brutality. The actions of these officers indicate a policy or procedure that is well-recognized and  
12 implicitly condoned by the City.

13 57. The training policies of the City were not adequate to train Officers Diep, Pfiefer,  
14 Blackerby, Mishaga and/or Wong to handle the usual and recurring situations that face police  
15 officers every day. The City's failure to train its employees reflects a deliberate indifference to  
16 the constitutional rights of its citizens. The City was deliberately indifferent to the obvious  
17 consequences of targeting Ms. Redmond based on race in a diverse region and in protecting her  
18 constitutional rights by failing to train Diep, Pfiefer, Blackerby, Mishaga and/or Wong to  
19 recognize a citizen videotaping police officers in the exercise of their duties, what constitutes  
20 probable cause and excessive force, the proper use of force, the proper escalation of force,  
21 implicit bias and the failure to prevent the selective enforcement of the law based on race. The  
22 City's failure to provide adequate training is closely related to the deprivation of Ms. Redmond's  
23 rights as demonstrated by the consistent response of each officer involved.

24 58. The Plaintiff was then illegally arrested, questioned, booked, and illegally  
25 incarcerated at Elmwood Jail where she was exposed to the criminal element even though she  
26 had committed no crime.

27 59. The Plaintiff was released on Supervised OR April 18, 2013 which required her to  
28 call and check in every week the entire length of the case.



60. The Plaintiff went to the doctors following her release to have the shoulder checked out as it was the injury that gave her the most pain.

## Damages

61. As a result of the conduct of Defendants, Blair Redmond suffered serious and enduring physical injury to her shoulder for which she is still undergoing treatment. She also suffered injuries to her arms, head, eye, left wrist and knee.

62. As a result of the conduct of Defendants, Blair Redmond suffered serious and enduring emotional and cognitive injuries for which she sought medical treatment.

63. Redmond suffered pain, severe emotional distress and anxiety caused by the acts of all defendants, and as a result of the injury caused by Pfiefer, was forced to withdrawal from her last quarter of college and postpone her planned graduation and is reasonably anticipated to incur further medical expense and treatments and lost wages in the future.

64. The actions of Officers Hoskin, Proft, Mishaga, Wong, Talus, Melo, Gutierrez and Magnuson demonstrate a widespread and understood common practice that targets citizens based on race and a standard operating procedure to intimidate and physically assault citizens like Ms. Redmond who attempt to document brutality. The actions of these officers indicate a policy or procedure that is well-recognized and implicitly condoned by the City. The response by officers demonstrates the City's failure to train, failure to supervise and failure to discipline its officers for racial profiling, implicit bias, lack of probable cause, excessive force and citizens' First Amendment rights. No officers questioned why Ms. Redmond was approached in the park and no officers questioned why she was punched in the face and arrested after taking a video documenting public police officers' actions in a public forum. The consistency in the officers' response demonstrates inadequate training, supervision and discipline when a citizen's constitutional rights have been violated. The City's failure to train, supervise and discipline officers interacting with the public to prevent deprivation of rights reflects a deliberate indifference to Ms. Redmond's constitutional rights.

65. Since the incident complained hereinabove occurred, Redmond has not been able to fully enjoy almost every activity due to the continued injury to her shoulder, malaise

1 associated with her depressed emotional and psychological state, fear of/and further harassment  
2 and incarceration by the police and loss of trust and respect for figures of authority in her  
3 community.

4 66. The incident also caused Redmond humiliation, embarrassment and loss of  
5 reputation in the community.

6 67. Ms. Redmond seeks compensatory damages according to proof at the time of trial.

7 68. Ms. Redmond seeks punitive damages against all officers acting in their individual  
8 and supervisory capacities. Each such officer's acts, as alleged in this Complaint, evidences  
9 malicious, wanton, and oppressive acts sufficient for the award of punitive damages.

10 69. Defendants Diep, Pfiefer, Blackerby, Mishaga, Wong, Perrier and Galea acted  
11 with malice, oppression and fraud. Defendants Diep, Pfiefer and Blackerby acted in concert to  
12 target Ms. Redmond and deprive her first, fourth and fourteenth amendment rights under the U.S.  
13 Constitution. Defendant officers knew or should have known that they were violating Ms.  
14 Redmond's rights when they physically attacked her causing severe and permanent physical  
15 injuries.

16 70. Defendants Diep, Pfiefer, Blackerby, Mishaga, Wong, Perrier and Galea willfully  
17 and knowingly disregarded Ms. Redmond's safety and constitutional rights on the day of the  
18 incident. Defendants Diep, Pfiefer and Blackerby acted in concert to harass Ms. Redmond and  
19 carry out their scheme to illegally search her person and property. Defendant Pfiefer  
20 intentionally acted to deprive Ms. Redmond of her first amendment rights when he arrested her  
21 for taking a video of officers beating her boyfriend. Defendants Pfiefer's egregious conduct of  
22 punching Ms. Redmond in the face and dislocating her shoulder is well beyond the professional  
23 conduct expected of an officer charged with the duty to protect and serve.

24 71. The City of San Jose and the San Jose Police Department have patterns, policies,  
25 procedures and customary practices that routinely violate the constitutional rights of the public.  
26 These patterns, policies, procedures and customary practices were followed by the San Jose  
27 Police Department before, during and after arresting Ms. Redmond.

28 72. The City of San Jose through the San Jose Police Department has a municipal

1 custom or policy of profiling citizens based on race. The City of San Jose through the San Jose  
2 Police Department has a generally accepted practice of targeting citizens and illegally searching  
3 their vehicles, trespassing, physical violence and interference with citizens' free speech.

4 73. The San Jose Police Officers individually named herein were following standard  
5 procedure to prevent documentation of police brutality when Officer Pfiefer placed Ms.  
6 Redmond under arrest for video taping officers beating her boyfriend in violation of her First  
7 Amendment rights. Officers Pfiefer, Diep and Blackerby acted together when they approached  
8 Ms. Redmond's car parked at the skate park. The officers' escalation was swift and  
9 uncompromising as soon as Ms. Redmond question the reason for approaching her car as  
10 opposed to others parked at the skate park.

11 74. Officers Pfiefer, Diep and Blackerby each acted in an intimidating and accusatory  
12 manner from the outset of their interaction with Ms. Redmond. The consistent behavior among  
13 officers demonstrates that the officers knew or were aware of accepted practices within the  
14 department and that they were acting consistent with those procedures when they approached Ms.  
15 Redmond's car. Officers Pfiefer, Diep and Blackerby, although acting individually,  
16 demonstrated such consistency while physically removing and striking Ms. Redmond and her  
17 boyfriend as to indicate conformity with standard operating procedure throughout the San Jose  
18 Police Department and ratified by the City of San Jose.

19 75. The City's pattern of disregarding citizens' Constitutional rights and the generally  
20 accepted practice of officer-involved brutality is apparent in the response from Sergeants Perrier  
21 and Galea. When he arrived at the scene of the incident, Sergeant Perrier did not ask Ms.  
22 Redmond any questions. He did not discuss with her the reason she requested a sergeant at the  
23 scene. Instead, Sergeant Perrier stated that Ms. Redmond assaulted his police officers. The  
24 reaction by Sergeant Perrier following the beating and arrest of Ms. Redmond shows that he  
25 knew or was aware of a generally accepted practice within the San Jose Police Department to  
26 start sanitizing the incident in favor of his police officers as soon as possible. Sergeant Perrier's  
27 ratification demonstrated to Officers Pfiefer, Diep and Blackerby that he was aware that the  
28 officers beat and brutalized Ms. Redmond and condoned this practice by abandoning any effort to

1 remain objective at the scene despite an obvious violation of Ms. Redmond's constitutional  
2 rights.

3 76. The San Jose Police Officers individually named herein were following generally  
4 accepted practices of placing innocent citizens under arrest and then conducting a search to find  
5 evidence to support their arrest.

6 77. Each time a member of the San Jose Police Department became involved with Ms.  
7 Redmond's beating, questioning, arrest and detention, they exhibited consistent behavior. Each  
8 officer at the scene worked together to choose, intimidate, beat and arrest Ms. Redmond. Each  
9 responding officer at the scene ratified that behavior by continuing the intimidation, arrest and  
10 detention.

11 78. No officers questioned why Officers Pfiefer, Diep and Blackerby chose Ms.  
12 Redmond's car to target although there were other cars in the lot. No officers questioned why  
13 Officers Pfiefer, Diep and Blackerby wanted to stop Ms. Redmond from taking a video. No  
14 officers questioned why Ms. Redmond was punched in the face and her shoulder was dislocated  
15 before she was pinned to the ground. The overwhelmingly consistent reaction to Ms. Redmond's  
16 stop, search and arrest indicates that this was an accepted approach by the officers. The officers  
17 involved were acting pursuant to a code of conduct and practice that the City of San Jose either  
18 knew or should have known of and promoted by ratifying the brutality of its citizens at the hands  
19 of its officers.

20 79. Officers Wendy Hoskin, Christopher Proft, Alan Mishaga, Andrew Wong, and  
21 Eric Magnuson gave and/or collected accounts of the April 17, 2013 incident that were false.  
22 Officers Paula Talus falsely stated in the police report that Ms. Redmond gave consent to copy  
23 her phone. Officers Raquel Melo and Jorge Gutierrez neglected to investigate the claims made  
24 by Ms. Redmond in her statement. The consistent and coordinated responses by SJPD officers  
25 demonstrates the City's failure to train, failure to supervise and failure to discipline its officers  
26 for racial profiling, implicit bias, lack of probable cause, excessive force and violation of  
27 citizens' constitutional rights.  
28

**CAUSES OF ACTION**

**First Cause of Action: Violation of First Amendment Rights**  
**(Against Defendants PFIEFER, SERGEANT PERRIER and SERGEANT GALEA, SJPD**  
**and the CITY)**

80. Ms. Redmond incorporates by reference each of the allegations of each of the proceeding paragraphs of this Complaint as though fully set forth herein.

81. Defendants, and each of them, deprived Ms. Redmond of her particular rights guaranteed under the United States Constitution.

82. Ms. Redmond exercised her right to free speech under the First Amendment when she began to take video of the officers drawing a gun and beating her boyfriend. When Ms. Redmond started to record the incident, Officer Pfiefer immediately responded by charging at her to take the cell phone away. Only then did Officer Pfiefer state that Ms. Redmond was under arrest.

83. Officer Pfiefer grabbed Ms. Redmond's right hand to try to get the phone as she was recording. When he missed the cell phone and lost his grip, he stomped on her left foot to pin her in place. Officer Pfiefer then punched Ms. Redmond in the face under her right eye. She stumbled and fell backwards in pain, shocked and dazed.

84. Ms. Redmond's choice to exercise her protect right to free speech by taking video of her boyfriend's beating was a substantial or motivating factor for Officer Pfiefer's action of arresting Ms. Redmond. Officer Pfiefer's actions demonstrate that his intent was to chill Ms. Redmond's protected speech because she was not placed under arrest until after she started taking video and he responded with intimidation and physical violence.

85. Sergeant Perrier was a supervisor or acted in a supervisory role over Officers Pfiefer, Diep, Blackerby, Hoskins, Mishaga and Wong at the time of the incident. Through his supervisory role, Sergeant Perrier participated in the ongoing training, supervision and/or control of subordinate Officers Pfiefer, Diep, Blackerby, Mishaga, Wong and Hoskin. Sergeant Perrier acquiesced to the deprivation of Ms. Redmond's constitutional rights when he accused Ms. Redmond of assaulting officers instead of asking why she was punched in the face for taking a

1 video of them beating her boyfriend. Sergeant Perrier's action is tantamount to acknowledging  
2 that the police department does not want video evidence of such an incident. Sergeant Perrier  
3 acted consistent with standard operating procedure of the department to stop citizens from taking  
4 video of officers in violation of Ms. Redmond's First Amendment rights.

5 86. Sergeant Galea was a supervisor or acted in a supervisory role over Officers  
6 Pfiefer, Diep, Blackerby, Hoskins, Mishaga and Wong at the time of the incident. Through his  
7 supervisory role, Sergeant Galea participated in the ongoing training, supervision and/or control  
8 of subordinate Officers Pfiefer, Diep, Blackerby, Mishaga, Wong and Hoskin. Sergeant Perrier  
9 acquiesced to the deprivation of Ms. Redmond's constitutional rights when he attempted to blame  
10 Ms. Redmond instead of asking why she was punched in the face for taking a video of officers  
11 beating her boyfriend. Sergeant Galea's action is tantamount to acknowledging that the police  
12 department does not want video evidence of such an incident. Sergeant Galea acted consistent  
13 with standard operating procedure of the department to stop citizens from taking video of officers  
14 in violation of Ms. Redmond's First Amendment rights.

15 87. The City of San Jose and the San Jose Police Department have patterns, policies,  
16 procedures and customary practices that routinely violate the constitutional rights of the public.  
17 These patterns, policies, procedures and customary practices were followed by the San Jose  
18 Police Department before, during and after arresting Ms. Redmond. The San Jose Police Officers  
19 individually named herein were following standard procedure to prevent documentation of police  
20 brutality when Officer Pfiefer placed Ms. Redmond under arrest for video taping officers beating  
21 her boyfriend in violation of her First Amendment rights.

22 88. The response by officers demonstrates the City's failure to train, failure to  
23 supervise and failure to discipline its officers for racial profiling, implicit bias, lack of probable  
24 cause, excessive force and citizens' First Amendment rights. The City was deliberately  
25 indifferent to the obvious consequences of targeting Ms. Redmond based on race in a diverse  
26 region and in protecting her constitutional rights by failing to train Officers Diep, Pfiefer,  
27 Blackerby, Mishaga and/or Wong to recognize a citizen videotaping police officers in the  
28 exercise of their duties, what constitutes probable cause and excessive force, the proper use of

1 force, the proper escalation of force and the failure to prevent the selective enforcement of the  
 2 law based on race. The City's failure to provide adequate training is closely related to the  
 3 deprivation of Ms. Redmond's rights as demonstrated by the consistent response of each officer  
 4 involved.

5 **Second Cause of Action: Violation of the 4th Amendment — Excessive Force**  
 6 **(Against Defendants PFIEFER, SERGEANT PERRIER and SERGEANT GALEA, SJPD**  
 7 **and the CITY)**

8 89. Ms. Redmond re-alleges and incorporates the preceding paragraphs as though full  
 9 set forth at this point, as they relate to a cause of action for excessive force.

10 90. Pfiefer intentionally made offensive physical contact with Redmond, including  
 11 stomping down on her right foot, punching her in the face, pulling her hair, grabbing, twisting  
 12 and wrenching her right arm in order to stop her from filming the incident on her cell phone,  
 13 pinning her down to the ground and handcuffing her, Redmond did not at any time consent to  
 14 any physical contact with her person by defendant.

15 91. The City's pattern of disregarding citizens' Constitutional rights and the generally  
 16 accepted practice of officer-involved brutality is apparent in the response from Sergeants Perrier  
 17 and Galea. When he arrived at the scene of the incident, Sergeant Perrier did not ask Ms.  
 18 Redmond any questions. He did not discuss with her the reason she requested a sergeant at the  
 19 scene. Instead, Sergeant Perrier stated that Ms. Redmond assaulted his police officers. The  
 20 reaction by Sergeant Perrier following the beating and arrest of Ms. Redmond shows that he  
 21 knew or was aware of a generally accepted practice within the San Jose Police Department to  
 22 start sanitizing the incident in favor of his police officers as soon as possible. Sergeant Perrier's  
 23 ratification demonstrated to Officers Pfiefer, Diep and Blackerby that he was aware that the  
 24 officers beat and brutalized Ms. Redmond and condoned this practice by abandoning any effort to  
 25 remain objective at the scene despite an obvious violation of Ms. Redmond's constitutional  
 26 rights.

27 92. Sergeant Galea was a supervisor or acted in a supervisory role over Officers  
 28 Pfiefer, Diep, Blackerby, Hoskins, Mishaga and Wong at the time of the incident. Through his



1 supervisory role, Sergeant Galea participated in the ongoing training, supervision and/or control  
 2 of subordinate Officers Pfiefer, Diep, Blackerby, Mishaga, Wong and Hoskin. Sergeant Galea  
 3 acquiesced in the deprivation of Ms. Redmond's constitutional rights when she arrived in  
 4 booking following the incident. Sergeant Galea interviewed Ms. Redmond after she was beat and  
 5 he did not ask for her account of what happened at the skate park. Instead, Sergeant Galea  
 6 attempted to blame Ms. Redmond for the officers' violent attack. He asked leading and untrue  
 7 questions about the circumstances at the park in order to justify the police officers' conduct.  
 8 Sergeant Galea acquiesced in the deprivation of Ms. Redmond's constitutional rights and did not  
 9 ask any questions to determine the nature and circumstances of the situation. Sergeant Galea's  
 10 conduct is consistent with and promotes the generally accepted practice of racial profiling,  
 11 physical violence and violation of Ms. Redmond's constitutional rights promulgated by the City  
 12 of San Jose through the San Jose Police Department.

13 93. The response by officers demonstrates the City's failure to train, failure to  
 14 supervise and failure to discipline its officers for racial profiling, implicit bias, lack of probable  
 15 cause, excessive force and citizens' constitutional rights. The City was deliberately indifferent to  
 16 the obvious consequences of targeting Ms. Redmond based on race in a diverse region and in  
 17 protecting her constitutional rights by failing to train Officers Diep, Pfiefer, Blackerby, Mishaga  
 18 and/or Wong to recognize a citizen videotaping police officers in the exercise of their duties,  
 19 what constitutes probable cause and excessive force, the proper use of force, the proper escalation  
 20 of force and the failure to prevent the selective enforcement of the law based on race.

21 94. The CITY's failure to provide adequate training is closely related to the  
 22 deprivation of Ms. Redmond's rights as demonstrated by the consistent response of each officer  
 23 involved. No officers questioned why Ms. Redmond was approached in the park and no officers  
 24 questioned why she was punched in the face and arrested after taking a video documenting public  
 25 police officers' actions in a public forum.

26 **Third Cause of Action - Violation of 4<sup>th</sup> Amendment (42 U.S.C. 1983 - ARREST)**  
 27 **(Against PFIEFER, DIEP, BLACKERBY, PERRIER, GALEA, HOSKIN, MISHAGA,**  
 28 **WONG and the CITY)**

95. Plaintiff re-alleges, adopts, and incorporates the preceding paragraphs as if set



1    forth at length at this point.

2            96.    Plaintiff alleges the facts and circumstances set forth hereinabove constitute a  
3    cause of action, and set forth all necessary elements for a cause of action against defendants  
4    Pfiefer, Diep, Blackerby, Perrier, Galea, Hoskin, Mishaga, Wong, for violation of her  
5    constitutional rights under the 4th Amendment of the U.S. Constitution, with regard to the  
6    unlawful arrest and detention of her person, and Plaintiff further alleges said arrest was without  
7    consent, probable cause, an arrest warrant, or exigent circumstances.

8            97.    Redmond re-alleges the allegations of the preceding paragraphs as said damages  
9    relate to a cause of action for a violation of her civil rights for a warrantless arrest, as stated.

10          98.    Sergeant Perrier was a supervisor or acted in a supervisory role over Officers  
11    Pfiefer, Diep, Blackerby, Hoskins, Mishaga and Wong at the time of the incident. Through his  
12    supervisory role, Sergeant Perrier participated in the ongoing training, supervision and/or control  
13    of subordinate Officers Pfiefer, Diep, Blackerby, Mishaga, Wong and Hoskin. Sergeant Perrier  
14    acquiesced to the deprivation of Ms. Redmond's constitutional rights when he accused Ms.  
15    Redmond of assaulting officers instead of asking why she was punched in the face for taking a  
16    video of them beating her boyfriend. Sergeant Perrier's action is tantamount to acknowledging  
17    that the police department does not want video evidence of such an incident. Sergeant Perrier  
18    acted consistent with standard operating procedure of the department to stop citizens from taking  
19    video of officers in violation of Ms. Redmond's First Amendment rights.

20          99.    The City of San Jose and the San Jose Police Department have patterns, policies,  
21    procedures and customary practices that routinely violate the constitutional rights of the public.  
22    These patterns, policies, procedures and customary practices were followed by the San Jose  
23    Police Department before, during and after arresting Ms. Redmond.

24          100.    Each time a member of the San Jose Police Department became involved with Ms.  
25    Redmond's beating, questioning, arrest and detention, they exhibited consistent behavior. Each  
26    officer at the scene worked together to choose, intimidate, beat and arrest Ms. Redmond. Each  
27    responding officer at the scene ratified that behavior by continuing the intimidation, arrest and  
28    detention.

1           101. Upon the arrival of the Fire Department, Ms. Redmond was checked out while  
2 handcuffed in plain view of at least thirty people who witnessed the brutality.

3           102. Defendant Officer Wendy Hoskin searched Ms. Redmond's person in front of the  
4 growing crowd at the park and she was humiliated as Defendant Hosking lifted her shirt and  
5 exposed her midriff.

6           103. Ms. Redmond was then asked if she wished to go to the hospital. When she  
7 answered yes, she was told by Defendant Hoskin that if she went to the hospital that she would  
8 sit there for 6 to 8 hours. After which time she would then be sent to booking and sit there for  
9 another 6 to 8 hours. After hearing this and still being in a state of shock, Ms. Redmond believed  
10 the truth would set her free and she decided to tell her story to Defendant Sergeant Richard  
11 GALEA when she arrived in booking.

12           104. Sergeant Galea was a supervisor or acted in a supervisory role over Officers  
13 Pfiefer, Diep, Blackerby, Hoskins, Mishaga and Wong at the time of the incident. Through his  
14 supervisory role, Sergeant Galea participated in the ongoing training, supervision and/or control  
15 of subordinate Officers Pfiefer, Diep, Blackerby, Mishaga, Wong and Hoskin. Sergeant Perrier  
16 acquiesced to the deprivation of Ms. Redmond's constitutional rights when he attempted to blame  
17 Ms. Redmond instead of asking why she was punched in the face for taking a video of officers  
18 beating her boyfriend. Sergeant Galea acted consistent with standard operating procedure of the  
19 department to arrest citizens for taking video of officers in violation of their constitutional rights.

20           105. The response by officers demonstrates the City's failure to train, failure to  
21 supervise and failure to discipline its officers for racial profiling, implicit bias, lack of probable  
22 cause, excessive force and citizens' constitutional rights. The City was deliberately indifferent to  
23 the obvious consequences of targeting Ms. Redmond based on race in a diverse region and in  
24 protecting her constitutional rights by failing to train Officers Diep, Pfiefer, Blackerby, Mishaga  
25 and/or Wong to recognize a citizen videotaping police officers in the exercise of their duties,  
26 what constitutes probable cause and excessive force, the proper use of force, the proper escalation  
27 of force, implicit bias and the failure to prevent the selective enforcement of the law based on  
28 race.

**Fourth Cause of Action: Violation of Civil Rights (42 U.S.C. 1983 — SEARCH OF PERSON)**  
**(Against PFIEFER, DIEP, BLACKERBY, PERRIER, GALEA, HOSKIN, MISHAGA, WONG, and the CITY)**

106. Plaintiff re-alleges, adopts, and incorporates the preceding paragraphs as if set forth at length at this point.

107. Plaintiff alleges the facts and circumstances set forth hereinabove constitute a cause of action, and set forth all necessary elements for a cause of action against defendants Pfiefer, Diep, Blackerby, Perrier, Galea, Hoskin, Mishaga, Wong, for violation of her constitutional rights under the 4th Amendment of the U.S. Constitution, with regard to the unlawful search of her person, and Plaintiff further alleges said arrest was without consent, probable cause, an arrest warrant, or exigent circumstances.

108. Plaintiff re-alleges the facts of the preceding paragraphs as said damages relate to a cause of action for a violation of her civil rights for a search of her person, as stated.

109. The punitive damage allegations apply in this cause of action to defendants Pfiefer, Diep, Blackerby, Perrier, Galea, Hoskin, Mishaga, and Wong

110. Sergeant Perrier was a supervisor or acted in a supervisory role over Officers Pfiefer, Diep, Blackerby, Hoskins, Mishaga and Wong at the time of the incident. Through his supervisory role, Sergeant Perrier participated in the ongoing training, supervision and/or control of subordinate Officers Pfiefer, Diep, Blackerby, Mishaga, Wong and Hoskin. Sergeant Perrier acquiesced to the deprivation of Ms. Redmond's constitutional rights when he accused Ms. Redmond of assaulting officers instead of asking why she was punched in the face for taking a video of them beating her boyfriend. Sergeant Perrier's action is tantamount to acknowledging that the police department does not want video evidence of such an incident.

111. The City of San Jose and the San Jose Police Department have patterns, policies, procedures and customary practices that routinely violate the constitutional rights of the public. These patterns, policies, procedures and customary practices were followed by the San Jose Police Department before, during and after arresting Ms. Redmond. The San Jose Police Officers individually named herein were following standard procedure when they searched Ms. Redmond

1 in violation of her constitutional rights.

2 112. The response by officers demonstrates the CITY's failure to train, failure to  
3 supervise and failure to discipline its officers for racial profiling, implicit bias, lack of probable  
4 cause, excessive force and citizens' constitutional rights. Each time a member of the San Jose  
5 Police Department became involved with Ms. Redmond's beating, questioning, arrest and  
6 detention, they exhibited consistent behavior. Each officer at the scene worked together to  
7 choose, intimidate, beat and arrest Ms. Redmond. Each responding officer at the scene ratified  
8 that behavior by continuing the intimidation, arrest and detention.

9 113. Upon the arrival of the Fire Department, Ms. Redmond was checked out while  
10 handcuffed in plain view of at least thirty people who witnessed the brutality.

11 114. Defendant Officer Wendy Hoskin searched Ms. Redmond's person in front of the  
12 growing crowd at the park and she was humiliated as Defendant Hoskin lifted her shirt and  
13 exposed her midriff.

14 115. Ms. Redmond was then asked if she wished to go to the hospital. When she  
15 answered yes, she was told by Defendant HOSKIN that if she went to the hospital that she would  
16 sit there for 6 to 8 hours. After which time she would then be sent to booking and sit there for  
17 another 6 to 8 hours. After hearing this and still being in a state of shock, Ms. Redmond believed  
18 the truth would set her free and she decided to tell her story to Defendant Sergeant Richard  
19 GALEA when she arrived in booking.

20 116. Sergeant Galea was a supervisor or acted in a supervisory role over Officers  
21 Pfiefer, Diep, Blackerby, Hoskins, Mishaga and Wong at the time of the incident. Through his  
22 supervisory role, Sergeant Galea participated in the ongoing training, supervision and/or control  
23 of subordinate Officers Pfiefer, Diep, Blackerby, Mishaga, Wong and Hoskin. Sergeant Perrier  
24 acquiesced to the deprivation of Ms. Redmond's constitutional rights when he attempted to blame  
25 Ms. Redmond instead of asking why she was punched in the face for taking a video of officers  
26 beating her boyfriend. Sergeant Galea acted consistent with standard operating procedure of the  
27 department unlawfully searching citizens following an arrest in violation of Ms. Redmond's  
28 constitutional rights.

**Fifth Cause of Action: BATTERY**  
**(Against PFIEFER, HOSKIN)**

117. Plaintiff re-alleges and incorporates the preceding paragraphs as though fully set forth at this point, as they relate to a cause of action for battery.

118. Defendant Hoskin intentionally made offensive physical contact with Ms. Redmond, including frisking her, exposing her midriff, and placing her in the back of a squad car. Ms. Redmond did not at any time consent to any physical contact with her person by defendant.

119. Defendant Pfiefer intentionally made offensive physical contact with Ms. Redmond when he punched her in the face, dislocated her shoulder and pinned her face down on the ground.

120. The punitive damage allegations of the preceding paragraphs apply in this cause of action to Hoskin and Pfiefer.

**Sixth Cause of Action Violation of Civil Rights (42 U.S.C. 1983 — SEARCH AND SEIZURE OF VEHICLE**  
**(Against PFIEFER, DIEP, BLACKERBY, PERRIER, GALEA and the CITY)**

121. Plaintiff re-alleges, adopts, and incorporates the preceding paragraphs.

122. Plaintiff alleges the facts and circumstances set forth hereinabove constitute a cause of action, and set forth all necessary elements for a cause of action against defendants Pfiefer, Diep, Blackerby, Perrier, Galea and the City for violation of her constitutional rights under the 4th Amendment of the U.S. Constitution, with regard to the unlawful search and seizure of vehicle and Plaintiff further alleges said search was without consent, probable cause, an arrest warrant, or exigent circumstances.

123. Plaintiff re-alleges the allegations of the preceding paragraphs at this point as said damages relate to a cause of action for a violation of her civil rights for a warrantless search and seizure, as stated.

124. The punitive damage allegations of the preceding paragraphs apply in this cause of action to defendants Pfiefer, Diep, Blackerby, Perrier and Galea.

125. Sergeant Perrier was a supervisor or acted in a supervisory role over Officers

1 Pfiefer, Diep, Blackerby, Hoskins, Mishaga and Wong at the time of the incident. Through his  
2 supervisory role, Sergeant Perrier participated in the ongoing training, supervision and/or control  
3 of subordinate Officers Pfiefer, Diep, Blackerby, Mishaga, Wong and Hoskin. Sergeant Perrier  
4 acquiesced to the deprivation of Ms. Redmond's constitutional rights when he accused Ms.  
5 Redmond of assaulting officers instead of asking why she was punched in the face for taking a  
6 video of them beating her boyfriend. Sergeant Perrier's action is tantamount to acknowledging  
7 that the police department operated consistent with generally accepted practices to search Ms.  
8 Redmond's car after the illegal arrest.

9 126. Sergeant Galea was a supervisor or acted in a supervisory role over Officers  
10 Pfiefer, Diep, Blackerby, Hoskins, Mishaga and Wong at the time of the incident. Through his  
11 supervisory role, Sergeant Galea participated in the ongoing training, supervision and/or control  
12 of subordinate Officers Pfiefer, Diep, Blackerby, Mishaga, Wong and Hoskin. Sergeant Perrier  
13 acquiesced to the deprivation of Ms. Redmond's constitutional rights when he attempted to blame  
14 Ms. Redmond instead of asking why she was punched in the face for taking a video of officers  
15 beating her boyfriend. Sergeant Galea acted consistent with standard operating procedure of the  
16 department unlawfully searching property following an illegal arrest in violation of Ms.  
17 Redmond's constitutional rights.

18 127. The City of San Jose and the San Jose Police Department have patterns, policies,  
19 procedures and customary practices that routinely violate the constitutional rights of the public.  
20 These patterns, policies, procedures and customary practices were followed by the San Jose  
21 Police Department before, during and after arresting Ms. Redmond including the search and  
22 seizure of her vehicle. The San Jose Police Officers individually named herein were following  
23 standard procedure when they searched Ms. Redmond's car in violation of her constitutional  
24 rights.

25 128. The response by officers demonstrates the City's failure to train, failure to  
26 supervise and failure to discipline its officers for racial profiling, implicit bias, lack of probable  
27 cause, excessive force and citizens' constitutional rights. Each time a member of the San Jose  
28 Police Department became involved with Ms. Redmond's beating, questioning, arrest and

1 detention, they exhibited consistent behavior. Each officer at the scene worked together to  
 2 choose, intimidate, beat and arrest Ms. Redmond. Each responding officer at the scene ratified  
 3 that behavior by continuing the conduct when they searched and seized her vehicle.

4 129. The City was deliberately indifferent to the obvious consequences of targeting Ms.  
 5 Redmond based on race in a diverse region and in protecting her constitutional rights by failing to  
 6 train Officers Diep, Pfiefer, Blackerby, Mishaga and/or Wong to recognize a citizen videotaping  
 7 police officers in the exercise of their duties, what constitutes probable cause and excessive force,  
 8 the proper use of force, the proper escalation of force, implicit bias and the failure to prevent the  
 9 selective enforcement of the law based on race. The City's failure to provide adequate training is  
 10 closely related to the deprivation of Ms. Redmond's rights as demonstrated by the consistent  
 11 response of each officer involved.

12 **Seventh Cause of Action: Violation of Civil Rights (C.C. 52.1 Banes Civil Rights Act)**  
 13 **(Against PFIEFER, DIEP, BLACKERBY, PERRIER, GALEA and the CITY)**

14 130. Plaintiff re-alleges, adopts, and incorporates the preceding paragraphs as if set  
 15 forth at length at this point.

16 131. Plaintiff alleges the facts and circumstances set forth hereinabove and allegations  
 17 herein below, constitute a cause of action and set forth all necessary elements for a cause of  
 18 action against each individually named defendant, for violation of Plaintiff's rights pursuant to  
 19 the Thomas Banes Act.

20 132. Defendants, in conducting the false and warrantless arrest, detention, search and  
 21 seizure of Plaintiff's person and vehicle as complained herein, did violate Ms. Redmond's  
 22 California and U.S. Constitutional rights to freedom from unreasonable search and/or seizure.  
 23 Said actions were accompanied by duress and undue influence, and carried out with threats of  
 24 incarceration.

25 133. The acts of said defendants that are alleged in this complaint interfered or  
 26 attempted to interfere with the exercise of Plaintiff's rights under Civil Code Sections §52, and  
 27 §52.1, thereby entitling Plaintiff to compensatory and punitive damages, a statutory civil penalty  
 28 of \$4,000.00 from each of said defendants, which is provided for Civil Code §52 and are hereby



1 requested.

2 134. In doing so the acts alleged in this complaint, defendants knew or should have  
3 known, that their actions were likely to injure the Plaintiff, and Plaintiff is informed and believes,  
4 and thereon alleges, that the named police officer defendants, intended to cause injury to Plaintiff  
5 and acted with willful and conscious disregard of Plaintiff's rights as secured by Civil Code  
6 §52.1, thus entitling Plaintiff to recover punitive damages pursuant to Civil §52(b) (1).

7 135. Ms. Redmond re-alleges the allegations of the preceding paragraphs as said  
8 damages relate to a cause of action for a violation of her civil rights for a warrantless arrest and  
9 imprisonment of her person, as stated.

10 136. The punitive damage allegations of the preceding paragraphs apply in this cause of  
11 action to defendants Pfiefer, Diep, Blackerby, Perrier and Galea.

12 **Eighth Cause of Action: Intentional Infliction of Emotional Distress**  
13 **(Against PFIEFER, DIEP, BLACKERBY, PERRIER and GALEA)**

14 137. Ms. Redmond re-alleges and incorporates the preceding paragraphs, as though full  
15 set forth at this point, as they relate to a claim for a cause of action for intentional infliction of  
16 emotional distress.

17 138. Ms. Redmond alleges the facts and circumstances set forth hereinabove, and  
18 allegations herein below, constitute a cause of action, and set forth all necessary elements for a  
19 cause of action against defendants Pfiefer, Diep, Blackerby, Perrier and Galea for intentional  
20 infliction of emotional distress.

21 139. Ms. Redmond alleges that in undertaking the actions and making the statements to  
22 Redmond set forth hereinabove, upon refusing to call for a Sergeant after asking for one, for  
23 assaulting, seizing, searching, falsely arresting and accusing Redmond of battery of a peace  
24 officer, for failing to release Redmond as all accounts state she was recording the incident,  
25 defendants Pfiefer, Diep, Blackerby, Perrier, Galea, Hoskin, Proft, Mishaga, Wong, talus, Melo,  
26 Gutierrez and Magnuson intended to cause Redmond severe emotional distress and/or acted with  
27 reckless disregard for the likelihood of causing Redmond severe emotional distress, and said  
28 emotional distress did in fact occur as a result.



1           140. Ms. Redmond re-alleges of the preceding paragraphs at this point as said damages  
2 relate to a cause of action for intentional infliction of emotional distress.

3                           **Ninth Cause of Action: False Arrest/Imprisonment**  
4                           **(Against PFIEFER, DIEP, BLACKERBY, PERRIER, GALEA and HOSKIN)**

5           141. Ms. Redmond re-alleges and the preceding paragraphs, inclusive, as they relate to  
6 a cause of action for false arrest and/or imprisonment.

7           142. Defendants Pfiefer, Diep, Blackerby, Perrier, Galea and Hoskin intentionally and  
8 unlawfully exercised the threat of force and used actual force and menace in order to restrain,  
9 detain and otherwise confine Redmond for a period of time. Redmond did not knowingly or  
10 willing consent to such restraint or detention, nor was such restraint and/or detention  
11 accomplished through a valid warrant, or in the context of exigent circumstances excusing the  
12 procurement of a warrant.

13           143. Ms. Redmond re-alleges the preceding paragraphs at this point as said damages  
14 relate to a cause of action for false arrest/imprisonment.

15                           **Tenth Cause of Action: Negligent Infliction of Emotional Distress**  
16                           **(Against PFIEFER, DIEP, BLACKERBY, PERRIER, GALEA, HOSKIN)**

17           144. Ms. Redmond re-alleges and incorporates the preceding paragraphs, as though  
18 fully set forth at this point, as they relate to a claim for a cause of action for intentional infliction  
19 of emotional distress.

20           145. Defendants Pfiefer, Diep, Blackerby, Perrier, Galea, Hoskin , had a duty to act  
21 reasonably under the circumstances, and in assaulting and detaining Redmond, accusing  
22 Redmond of assault and obstruction, refusing to even listen to the witnesses who said all  
23 Redmond was doing was recording, placing her in handcuffs and in a patrol car with unnecessary  
24 and unwarranted force, without any basis in fact or objective circumstances justifying or  
25 otherwise validating their actions, said defendants acted unreasonably under the circumstances  
26 and cause Ms. Redmond the damages set forth in the preceding paragraphs.

**Eleventh Cause of Action: Violation of 14<sup>th</sup> Amendment (Equal Protection)**  
**(Against PFIEFER, DIEP, BLACKERBY and the CITY)**

146. Ms. Redmond re-alleges and incorporates the preceding paragraphs, as though fully set forth at this point, as they relate to a claim for a cause of action for violation of Ms. Redmond's rights under the Fourteenth Amendment to the U.S. Constitution.

147. Defendants Pfiefer, Diep and Blackerby chose to approach Ms. Redmond's car at the skate park although there were other cars with occupants parked in the same manner. Ms. Redmond and her boyfriend were the only African-American people seated in their car within the immediate vicinity of the park. Defendants Pfiefer, Diep and Blackerby did not approach the other cars or ask them questions about their activities at the park.

148. The City of San Jose through the San Jose Police Department has a municipal custom or policy of profiling citizens based on race, a protected class under the U.S. Constitution. The response by officers demonstrates the City's failure to train, failure to supervise and failure to discipline its officers for racial profiling, implicit bias, lack of probable cause, excessive force and citizens' constitutional rights.

149. Defendants Pfiefer, Diep and Blackerby were acting in concert when they approached Ms. Redmond's car although no crime was committed and there were other cars in the lot.

150. Officers Pfiefer, Diep and Blackerby each acted in an intimidating and accusatory manner from the outset of their interaction with Ms. Redmond. The consistent behavior among officers demonstrates that the officers knew or were aware of accepted practices within the department and that they were acting consistent with those procedures when they approached Ms. Redmond's car. Officers Pfiefer, Diep and Blackerby, although acting individually, demonstrated such consistency while physically removing and striking Ms. Redmond and her boyfriend as to indicate conformity with standard operating procedure throughout the San Jose Police Department and ratified by the City of San Jose.

151. The City's pattern of disregarding citizens' Constitutional rights and the generally accepted practice of officer-involved brutality is apparent in the response from Sergeants Perrier

1 and Galea. When he arrived at the scene of the incident, Sergeant Perrier did not ask Ms.  
2 Redmond any questions. He did not discuss with her the reason she requested a sergeant at the  
3 scene. Instead, Sergeant Perrier stated that Ms. Redmond assaulted his police officers. The  
4 reaction by Sergeant Perrier following the beating and arrest of Ms. Redmond shows that he  
5 knew or was aware of a generally accepted practice within the San Jose Police Department to  
6 start sanitizing the incident in favor of his police officers as soon as possible. Sergeant Perrier's  
7 ratification demonstrated to Officers Pfiefer, Diep and Blackerby that he was aware that the  
8 officers beat and brutalized Ms. Redmond and condoned this practice by abandoning any effort to  
9 remain objective at the scene despite an obvious violation of Ms. Redmond's constitutional  
10 rights.

11 152. The City was deliberately indifferent to the obvious consequences of targeting Ms.  
12 Redmond based on race in a diverse region and in protecting her constitutional rights by failing to  
13 train Officers Pfiefer, Diep, Blackerby, Mishaga and/or Wong to recognize a citizen videotaping  
14 police officers in the exercise of their duties, what constitutes probable cause and excessive force,  
15 the proper use of force, the proper escalation of force, implicit bias and the failure to prevent the  
16 selective enforcement of the law based on race. The City's failure to provide adequate training is  
17 closely related to the deprivation of Ms. Redmond's rights as demonstrated by the consistent  
18 response of each officer involved.

19 153. Each time a member of the San Jose Police Department became involved with Ms.  
20 Redmond's beating, questioning, arrest and detention, they exhibited consistent behavior. Each  
21 officer at the scene worked together to choose, intimidate, beat and arrest Ms. Redmond. Each  
22 responding officer at the scene ratified that behavior by continuing the intimidation, arrest and  
23 detention. No officers questioned why Officers Pfiefer, Diep and Blackerby chose Ms.  
24 Redmond's car to target although there were other cars in the lot. No officers questioned why  
25 Officers Pfiefer, Diep and Blackerby wanted to stop Ms. Redmond from taking a video. No  
26 officers questioned why Ms. Redmond was punched in the face and her shoulder was dislocated  
27 before she was pinned to the ground. The overwhelmingly consistent reaction to Ms. Redmond's  
28 stop, search and arrest indicates that this was an accepted approach by the officers. The officers

involved were acting pursuant to a code of conduct and practice that the City of San Jose either knew or should have known of and promoted by ratifying the brutality of its citizens at the hands of its officers.

**Prayer for Relief**

WHEREFORE, the plaintiff requests: judgment against Defendants in the amount of \$13,000,000; for;

154. Award general, special and compensatory damages according to proof;

155. Award exemplary (punitive) damages against all individual defendants, and each of them for their extreme and outrageous conduct in complete disregard for the rights of the plaintiff;

156. Grant plaintiff such other and further relief as the Court may deem just and proper.

**Demand for Jury Trial**

157. Plaintiff hereby requests a jury trial on all issues raised in this complaint.

Dated November 12, 2015

LECLAIR RYAN LLP

/s/ Felicia Jafferries

Patricia Peden, Esq.

Felicia Jafferries, Esq.

Attorneys for Plaintiff *BLAIR REDMOND*

**CERTIFICATE OF SERVICE**

The undersigned certifies that on this 12<sup>th</sup> day of November, 2015, the foregoing  
FOURTH AMENDED COMPLAINT was filed electronically using the Court's ECF system,  
which will electronically serve the same upon all counsel of record.

/s/ Adriana L. Lawrence

Adriana L. Lawrence